IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4021 of 2005

Between:

K. Srinivasulu,
S/o. Kistaiah, Nagarkurnool, Mahaboobnagar District.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C. Nagarkurnool,

Mahaboobnagar District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or directions, more in the nature of Writ of Mandamus, declaring the Office Order dated 15-4-1998 as illegal and arbitrary and set aside the same with all consequential benefits including arrears and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following :

ORDER:

The petitioner is working as a conductor in respondent-Corporation. He was issued charge sheet on 20-10-1997 for certain misconduct and after receiving the explanation of the petitioner, final orders were passed by the respondent, dated 15-04-1998, imposing the penalty of deferment of annual increment for a period of eighteen months with cumulative effect. The petitioner questions the order on the ground that though the reduction of annual increment for a period of eighteen months with cumulative effect is a major penalty, the respondent passed the impugned order without conducting any enquiry as required under the Rules. Therefore, the order is illegal and it is liable to be set aside.

The learned counsel for the petitioner relied on the judgment of the Supreme Court in **"Kulwant Singh Gill Vs. State of Punjab"** wherein the Supreme Court held that since the punishment imposed on the petitioner therein is a major punishment, the order cannot be sustained without an enquiry. The petitioner, therefore, seeks to declare that the impugned order is illegal and is liable to be set aside.

The petitioner after receiving the adverse orders slept over the matter for a period of six years. There are laches on his part in asserting his right regarding this issue. Though the impugned order is not liable to be set aside on account of long lapse of time in filing the writ petition, but, having regard to the judgment of the Supreme Court in **Kulwant Singh Gill's** case (1 supra), the lapse of time, the nature of misconduct alleged against the petitioner, and to avoid further delay, I am of the

considered view that a quietus should be given to the matter in these proceedings. Accordingly, in the interests of justice, I deem it appropriate if the punishment imposed on the petitioner is treated as reduction of annual increment for a period of eighteen months without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the expiry of the eighteen months period. But, he is entitled to get increment on notional calculation after the expiry of the eighteen months period, as he has been imposed penalty of reduction of annual increment for a period of eighteen months without cumulative effect.

The writ petition is accordingly disposed of with the above observations. No costs.

_____

02-03-2005

vs

To

1 The Depot Manager, A.P.S.R.T.C. Nagarkurnool,

Mahaboobnagar District.

2 2 CD copies